

**REMARKS**

The Official Action mailed February 16, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant has not received acknowledgment of the Information Disclosure Statement filed on July 24, 2003. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of these Information Disclosure Statements.

Claims 1-18 were pending in the present application prior to the above amendment. Independent claims 1, 3 and 5 have been amended to better recite the features of the present invention, and new dependent claims 19-21 have been added to recite additional protection to which the Applicant is entitled. Claims 2, 4, 6, 8, 10 and 12-15 have been withdrawn from consideration by the Examiner (page 2, Paper No. 20050210). Accordingly, claims 1, 3, 5, 7, 9, 11 and 16-21 are currently elected, of which claims 1, 3 and 5 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 5 of the Official Action rejects claims 1, 3, 5, 7, 9 and 11 as obvious based on U.S. Patent No. 6,333,493 to Sakurai et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. The Official Action asserts that "Sakurai et al. show holding the treatment object in a processing chamber filled with coolant ... (Fig. 18, col. 7, lines 19-24)" (page 3, Paper No. 20050210). Independent claims 1, 3 and 5 have been amended to recite cooling a treatment object by applying a coolant; or holding a treatment object in a processing chamber filled with a coolant for cooling the treatment object (see, e.g., the present specification at page 9, lines 16-17, and page 10, lines 6-9). That is, the coolant is applied to the treatment object.

However, Sakurai appears to teach that a "cooling water supply pipe 30P ... is arranged within the light source support section 30" and that the "light sources 3 and the surrounding regions are cooled by the cooling water circulated within the cooling water circulating pipe 30P" (column 7, lines 19-23). Therefore, Sakurai appears to teach that coolant is not applied to a treatment object, such as substrate 1. Rather, Sakurai appears to teach that coolant is applied to light sources 3. Therefore, Sakurai does not teach or suggest the above-referenced features of the present invention.

Since Sakurai does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and

withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 19-21 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 19-21 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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